



## **COUNCIL CHAMBERS**

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

<b>COUNCIL MEMBERS</b>	<b>REDEVELOPMENT AGENCY</b>
Dennis Kennedy, Mayor	Dennis Kennedy, Chair
Steve Tate, Mayor Pro Tempore	Steve Tate, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Mark Grzan, Council Member	Mark Grzan, Agency Member
Greg Sellers, Council Member	Greg Sellers, Agency Member

**WEDNESDAY, DECEMBER 7, 2005**

**AGENDA**

**JOINT MEETING**

**CITY COUNCIL SPECIAL AND REGULAR MEETING**

**and**

**REDEVELOPMENT AGENCY SPECIAL MEETING**

**6:00 P.M.**

*A Special Meeting of the City Council and Redevelopment Agency is Called at 6:00 P.M. for the Purpose of Conducting Closed Sessions; and a Special Redevelopment Agency Meeting is called at 7:00 P.M. for Conducting Redevelopment Agency Business.*

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**Dennis Kennedy, Mayor/Chairman**

**CALL TO ORDER**

(Mayor/Chairperson Kennedy)

**ROLL CALL ATTENDANCE**

(Deputy City Clerk/Deputy Agency Secretary Malone)

**DECLARATION OF POSTING OF AGENDA**

**Per Government Code 54954.2**

(Deputy City Clerk/Deputy Agency Secretary Malone)

**6:00 P.M.**

## ***City Council Action and Redevelopment Agency Action***

### **CLOSED SESSION:**

**1.**

#### **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Authority: Government Code Sections 54956.9(b) & (c)  
Number of Potential Cases: 2

### **OPPORTUNITY FOR PUBLIC COMMENT**

### **ADJOURN TO CLOSED SESSION**

### **RECONVENE**

### **CLOSED SESSION ANNOUNCEMENT**

**7:00 P.M.**

### **SILENT INVOCATION**

### **PLEDGE OF ALLEGIANCE**

### **COMMENDATIONS**

Commendations for Police Personnel

*Kyle Christensen, Bill Norman, Rodney Krewson, Lynette Madruga, Michael Brookman, Nate Mazon  
Dave Myers, Rick Rodriguez, Mark Brazeal, Jerry Neumayer, Troy Hoefling, Dave Leonard, Shane Palsgrove,  
Max Cervantez, Mindy Zen, Sarah Savage*

### **INTRODUCTION**

Event Coordinator Debbie Lazzarino

*Interim Recreation and Community Services Manager, Rod Cooper*

### **CITY COUNCIL REPORT**

Mayor Pro Tempore Tate

### **CITY COUNCIL SUB-COMMITTEE REPORTS**

### **CITY MANAGER'S REPORT**

### **CITY ATTORNEY'S REPORT**

### **OTHER REPORTS**

### **PUBLIC COMMENT**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME  
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND  
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE  
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY  
COUNCIL/REDEVELOPMENT AGENCY.**

## *City Council Action*

### **CONSENT CALENDAR:**

**ITEMS**                      The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

**Time Estimate**

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**Consent Calendar: 1 - 10 Minutes**

1. **REQUEST FOR BANKING SERVICES**..... 1  
**Recommended Action(s):**  
1. **Award** Contract for Banking Services to Bank of the West; and  
2. **Authorize** the City Manager to Execute a Contract with Bank of the West for Banking Services for Three Years, with an Option to Renew for Three Additional Years; Subject to Review and Approval by the City Attorney.
2. **APPROVE FILING GRANT APPLICATION FOR COMMUNITY PARK BASKETBALL COURT  
AND WATER CONSERVATION MEASURES**..... 3  
**Recommended Action(s):** **Adopt** Resolution Approving the Filing of an Application for Grant Funds for the Roberti-Z'Berg-Harris Block Grant Program under the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002.
3. **ACCEPTANCE OF TRAFFIC SIGNAL INSTALLATION AT TENNANT/HIGHWAY 101  
SOUTHBOUND RAMPS PROJECT**..... 7  
**Recommended Action(s):**  
1. **Accept** as Complete the Traffic Signal Installation at Tennant Avenue and Highway 101 Southbound Ramps Project in the Final Amount of \$501,491; and  
2. **Direct** the City Clerk to File the Notice of Completion with the County Recorder's Office.
4. **COURTHOUSE GARDEN CONCEPTUAL DESIGN** ..... 11  
**Recommended Action(s):** **Appropriate** \$10,600 from the Unappropriated Fund Balance in Water System Replacement Fund (653) for the Demonstration Water Conservation Garden Project, CIP #126005.
5. **CONSULTANT AGREEMENT WITH NAFFA INTERNATIONAL, INC. FOR OUTSIDE PLAN  
REVIEW SERVICES** ..... 15  
**Recommended Action(s):** **Authorize** the City Manager to Execute a Contract in the Amount of \$75,000; Subject to Review and Approval by the City Attorney.
6. **PURCHASE OF THE POLICE COMMUNICATIONS' DISPATCH VOICE LOGGING SYSTEM**..... 17  
**Recommended Action(s):** **File** Report on the Emergency Purchase of a Communications' Dispatch Voice Logging System from Capture Technologies for \$10,605.89.
7. **GENERAL FUND RESERVE POLICY**..... 19  
**Recommended Action(s):** **Direct** Financial Policy Committee Recommendations Concerning General Fund Reserve Policy to City Council for Consideration at the January 2006 Retreat.

**Time Estimate**

**Consent Calendar: 1 - 10 Minutes**

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8. **AMENDED REIMBURSEMENT AGREEMENT WITH PRAVIN PATEL FOR 16995 CONDIT ROAD** ..... 21  
**Recommended Action(s):**
  1. **Approve** an Appropriation of \$4,549 from the Current Year Unappropriated Measure C – Capital Improvement Project Fund Balance for Reimbursements for Extra Work along the Southeast Frontage of 16995 Condit Road; and
  2. **Authorize** the City Manager to Execute the Amended Reimbursement Agreement on Behalf of the City, Subject to Review and Approval by the City Attorney.
  
9. **FINAL MAP FOR JASPER PARK PHASE I (TRACT 9732)**..... 31  
**Recommended Action(s):**
  1. **Approve** the Final Map, Subdivision Agreement and Improvement plans;
  2. **Authorize** the City Manager to Sign the Subdivision Improvement Agreement on Behalf of the City;
  3. **Authorize** the City Clerk to Sign the Final Map Authorizing Abandonment of Unused Easement; and
  4. **Authorize** the Recordation of the Map and the Subdivision Improvement Agreement Following Recordation of the Development Improvement Agreement.
  
10. **RESOLUTION OF INTENTION AND INTRODUCTION OF ORDINANCE APPROVING AMENDMENT TO CONTRACT WITH CalPERS** ..... 43  
**Recommended Action(s):**
  1. **Adopt** Resolution Approving Amendment to Contract with CalPERS;
  2. **Authorize** the Mayor to Execute the Amendment to Contract Following Final Approval of the Ordinance; and
  3. **Waive** the Reading, and **Introduce** the Ordinance, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF MORGAN HILL AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO PROVIDE 2.5% AT 55 RETIREMENT BENEFIT FOR MISCELLANEOUS EMPLOYEES.**
  
11. **ADOPT ORDINANCE NO. 1745, NEW SERIES** .....61  
**Recommended Action(s):** **Waive** the Reading, and **Adopt** Ordinance No. 1745, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO ORDINANCE NO. 1725 NEW SERIES, AMENDING THE DEVELOPMENT AGREEMENT FOR TILTON-GLENROCK, TO ALLOW FOR A 7-MONTH EXTENSION OF THE FINAL MAP SUBMITTAL DATE AND BUILDING PERMIT SUBMITTAL DATE, AND AN 8-MONTH EXTENSION for OBTAINING the BUILDING PERMIT DATE FOR 34 BUILDING ALLOCATIONS GRANTED FOR FISCAL YEAR 2005-2006 FOR MP-02-03: Tilton-Glenrock.**
  
12. **ADOPT ORDINANCE NO. 1746, NEW SERIES** .....67  
**Recommended Action(s):** **Waive** the Reading, and **Adopt** Ordinance No. 1746, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A ZONING AMENDMENT TO ESTABLISH A PLANNED UNIT DEVELOPMENT FOR A 66.49-ACRE AREA LOCATED AT THE NORTHEAST QUADRANT OF COCHRANE ROAD AND HIGHWAY 101 (APNs 728-37-001, - 002, -004, -005 & -007) (ZA-04-12: COCHRANE – DINAPOLI/BROWMAN).**

Time Estimate

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Consent Calendar: 1 - 10 Minutes

13. **ADOPT ORDINANCE NO. 1747, NEW SERIES** .....83  
**Recommended Action(s):** **Waive** the Reading, and **Adopt** Ordinance No. 1747, New Series, and **Declare**  
That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title  
and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF MORGAN HILL APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE  
CITY OF MORGAN HILL AND MORGAN HILL RETAIL VENTURE, LIMITED  
PARTNERSHIP, FOR CERTAIN REAL PROPERTY CONSISTING OF APPROXIMATELY 66.5  
ACRES LOCATED IN THE CITY OF MORGAN HILL AT THE NORTHEAST QUADRANT OF  
COCHRANE ROAD AND HIGHWAY 101 (DA-05-11: Cochrane-DiNapoli-Browman).**

## *City Council and Redevelopment Agency Action*

### **CONSENT CALENDAR:**

#### ITEM 14

Time Estimate

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Consent Calendar: 1 - 10 Minutes

14. **APPROVE JOINT CITY COUNCIL REGULAR AND REDEVELOPMENT AGENCY SPECIAL  
MEETING MINUTES OF NOVEMBER 16, 2005** ..... 87

## *City Council Action*

### **PUBLIC HEARINGS:**

Time Estimate

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15. 5 Minutes **DOWNTOWN ADMINISTRATIVE USE PERMIT FEE AND RESIDENTIAL  
PRIVATE LIVESTOCK PERMIT FEE** .....121  
Public Hearing Opened.  
Please Limit Your Remarks to 3 Minutes. Public Hearing Closed  
Council Discussion.  
Action- **Adopt** Resolution Establishing a new Downtown Administrative Use  
Permit Fee and Residential Private Livestock Permit Fee, Effective  
February 6, 2006.

## City Council Action

### **OTHER BUSINESS:**

	<b>Time Estimate</b>		<b>Page</b>
16.	15 Minutes	<p><b><u>DISCUSS DOWNTOWN HOUSING AND MIXED USE DEVELOPMENT PROJECTS IN RELATION TO MEASURE C, AND PROVIDE DIRECTION REGARDING ADVANCING RESIDENTIAL BUILDING ALLOCATIONS FROM 2009-2010 AS NEEDED TO COMPLETE PROJECTS</u></b> .....</p> <p><b><u>Recommended Action(s):</u></b></p> <ol style="list-style-type: none"> <li>1. <b><u>Determine</u></b> that it is necessary to Shift 18 Available Allocations under 2008/09 (3 Micro, 4 Small Project, and 11 Open Market) to either the 2007/08 or 2008/09 Downtown Open Market Competition, and to Advance Additional Allocations from 2009/10 in order to Allow for Completion of Projects that Receive Passing Scores in the Affordable, Small Vertical Mixed Use, and Affordable Competitions;</li> <li>2. <b><u>Direct</u></b> that the Planning Commission Consider the Following as Available for Allocation from 2009/10: <ol style="list-style-type: none"> <li>a) <b>AFFORDABLE:</b> Advance up to 34 Allocations from 2009/10, to Either 2007/08 or 2008/09 as needed to Complete the Affordable Housing Projects Which Attain a Passing Score.</li> <li>b) <b>SMALL VERTICAL MIXED USE:</b> Advance up to 4 Allocations from 2009/10, to Either 2007/08 or 2008/09 as needed to Complete the Vertical Mixed Use Projects Which Attain a Passing Score.</li> <li>c) <b>DOWNTOWN OPEN MARKET:</b> Advance from 108 to 193 Allocations from 2009/10, to Either 2007/08 or 2008/09 as needed to Complete the Downtown Projects Which Attain a Passing Score.</li> </ol> </li> <li>3. <b><u>Direct</u></b> the Planning Commission, if it Advances Allocations, to Make Specific Findings for Each Project Regarding the Infeasibility of Phasing and Necessity to Advance Allocations in Order to Feasibly Complete Projects; and</li> <li>4. <b><u>Direct</u></b> The Community and Economic Development Council Subcommittee to Return to the Full City Council by March 1, 2006 with Information and a Recommendation Regarding a Possible Ballot Measure to Modify Measure C Provisions Applicable to Downtown and Vertical Mixed Use Projects, to Allow for These Types of Projects to be Initiated and Completed on an Expedited Basis, and to Allow for "Restoration" of any Advanced Allocations for these Competitions to be Restored as Available for Allocation for 2009/10.</li> </ol>	127
17.	15 Minutes	<p><b><u>CITY OF SAN JOSE'S NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE MONTEREY HIGHWAY SOCCER COMPLEX</u></b> .....</p> <p><b><u>Recommended Action(s):</u></b></p> <ol style="list-style-type: none"> <li>1. <b><u>Provide Direction</u></b> to Staff: <ol style="list-style-type: none"> <li>a) <b><u>Forward Comments</u></b> to the City of San Jose</li> <li><b><u>OR</u></b></li> <li>b) <b><u>Do Not Comment</u></b> on the Notice of Preparation and <b><u>Wait</u></b> for the Opportunity to Comment on the Draft Environmental Impact Report; and</li> </ol> </li> <li>2. <b><u>Assign</u></b> a Council Sub-Committee with Responsibility for Monitoring this Project's Progress.</li> </ol>	133

**OTHER BUSINESS:**

	<b>Time Estimate</b>		<b>Page</b>
18.	5 Minutes	<b><u>SELECTION OF CITY COUNCIL MAYOR PRO TEMPORE AND REDEVELOPMENT AGENCY VICE-CHAIR</u></b> (Continued from 11/30/05) ..... <b><u>Recommended Action(s):</u></b> 1. <b><u>Open Floor</u></b> to nomination(s) for Mayor Pro Tempore/Vice-Chair; and 2. <b><u>Select</u></b> Council/Agency Member to serve as Mayor Pro Tempore/Vice-Chair per City Council Policy CP 99-01.	<b>143</b>

**FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

**ADJOURNMENT**